

BEFORE THE
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

SHAWN CHRISTOPHER BOYKIN

**Associate Clinical Social Worker
Registration Applicant**

Respondent.

Case No. 2002022000720

OAH No. 2022050120

DECISION

Pursuant to Government Code section 11517 (c)(2)(B) and (C), the attached Proposed Decision is hereby Adopted by the Board of Behavioral Sciences as the final Decision in the above-entitled matter with the following technical change and reduction to penalty:

- On page 14, Item 3, Supervised Practice - the beginning of the first sentence shall be changed from "Within 30 days of the effective date of this Decision..." to "Upon granting of Respondent's LCSW Application for Licensure..."
- On page 16, Item 4, Law and Ethics Course - shall be deleted in its entirety.
- On page 16, Item 5, Restitution - shall be deleted in its entirety.

This Decision shall be effective on: October 13, 2022

It is so ORDERED on: September 13, 2022



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

**BEFORE THE
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

SHAWN CHRISTOPHER BOYKIN, Respondent.

Agency Case No. 2002022000720

OAH No. 2022050120

PROPOSED DECISION

Thomas Heller, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on June 20, 2022.

Christine J. Lee, Deputy Attorney General, represented complainant Steve Sodergren, Executive Officer, Board of Behavioral Sciences (Board), Department of Consumer Affairs.

Respondent Shawn Christopher Boykin represented himself.

Oral and documentary evidence was received. After the hearing, respondent submitted an additional seven proposed exhibits, and complainant filed objections to six of them. In an order dated July 6, 2022, the administrative law judge admitted some of the proposed exhibits, sustained objections to others, closed the record, and deemed the matter submitted.

FACTUAL FINDINGS

Background and Procedural History

1. On July 19, 2021, the Board received an application from respondent for an associate clinical social worker registration. Respondent has never been registered or licensed with the Board in any capacity. The application included optional background questions about respondent's criminal record, and respondent disclosed that he had been convicted of a criminal offense. The criminal conviction was for second degree murder in 1988.

2. On January 4, 2022, complainant denied the application based on the criminal conviction, determining that the circumstances of the crime were substantially related to the qualifications, functions, or duties of an associate clinical social worker. Respondent timely requested a hearing on the denial. On March 9, 2022, complainant filed a Statement of Issues requesting that the Board uphold the denial.

Hearing

COMPLAINANT'S CASE

3. Complainant presented court records establishing that on February 26, 1988, after pleading guilty in the Superior Court of California, County of Los Angeles, respondent was convicted of second degree murder in violation of Penal Code section 187, subdivision (a). (*People v. Andre West and Shawn Christopher Boykin*, Super. Ct. of Cal., County of Los Angeles, Case No. A792791.) Respondent also admitted he was armed with a firearm in the commission of the murder, which increased his prison sentence by one year. (See Pen. Code, § 12022, subd. (a).) The court sentenced respondent to serve a total of 16 years to life in state prison and remanded him into

the custody of the California Youth Authority. The court also ordered him to pay a restitution fine of \$10,000 to the victim's family.

4. The circumstances surrounding the conviction were that on September 12, 1986, respondent and co-defendant Andre West got into an argument with A.T., the 18-year-old murder victim, over the use of a pay telephone at Fairfax High School in Los Angeles, California. Respondent and West were gang members who were 17 and 16 years old, respectively. A.T. was a college-bound former student at the high school who was visiting the campus to get college advice from a teacher. Respondent and West argued with A.T., chased A.T. down, and began fighting with him. Respondent was carrying a semi-automatic handgun, which he gave to West and yelled, "Gat him, cuz." West fired three shots at A.T., one of which entered A.T.'s back and pierced his heart.

RESPONDENT'S CASE

5. Respondent testified he was imprisoned until July 2014, when he was released on parole. He earned an associate degree from Hartnell College while he was in prison. Respondent was discharged from parole in July 2019. In 2020, he earned a bachelor's degree in social work from California State University, Los Angeles, where he was named to the 2020 Dean's List. In 2021, he earned a master's degree in social work from the same university.

6. Respondent testified he accepts responsibility for his crime and is a changed person now. He brought a gun to the high school because he wanted to appear to be the toughest member of his gang. He is now 53 years old, and he no longer thinks or acts like he did as a teenage gang member. He is remorseful for his crime and now has compassion, empathy, and patience for others. He wants to help

the homeless and gang members change their lives as an associate clinical social worker. Respondent testified he still owes about \$2,000 in restitution to the victim's family, but everything else related to his criminal sentence is complete.

7. Respondent works for Step Up on Second, an organization that provides services to persons experiencing serious mental health conditions and chronic homelessness. While studying at California State University, Los Angeles, he completed two internships in social work at Exodus Recovery, Inc., which provides similar services. Eva Westholm, a licensed clinical social worker, supervised respondent during the internships and testified on his behalf. Westholm testified she had a very positive impression of respondent, who connected well with clients and displayed a great deal of compassion during homeless outreach efforts. Westholm never saw any evidence of unethical or unlawful behavior, and she recommends respondent for registration.

8. Supplementing this evidence, respondent also presented proof of completion of leadership training at California State University, Los Angeles, and letters from a former teacher and another licensed clinical social worker describing respondent as hardworking and committed to helping others in need.

LEGAL CONCLUSIONS

Legal Standards

1. "The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if the licensee or registrant has been guilty of unprofessional conduct." (Bus. & Prof. Code, § 4992.3 [undesignated statutory references are to this code].) "Unprofessional conduct includes, but is not limited to, the following: [¶] (a) The conviction of a crime substantially related to the

qualifications, functions, or duties of a licensee or registrant under this chapter." (*Ibid.*) "The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter." (*Ibid.*) "All actions pursuant to this subdivision shall be taken pursuant to Division 1.5 (commencing with Section 475)." (*Ibid.*)

2. Under Division 1.5 of the Business and Professions Code, the Board may deny a license if "[t]he applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application." (§ 480, subd. (a)(1).) However, the seven-year limitation does not apply if "[t]he applicant was convicted of a serious felony, as defined in Section 1192.7 of the Penal Code or a crime for which registration is required pursuant to paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code." (*Id.*, subd. (a)(1)(A).)

3. "For purposes of denial, suspension, or revocation of a license . . . a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license . . . if to a

substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare." (Cal. Code Regs., tit. 16, § 1812, subd. (a).) "For purposes of this section, 'license' shall mean license or registration." (*Ibid.*) In making the substantial relationship determination, "the board shall consider all of the following criteria: [¶] (1) The nature and gravity of the offense. [¶] (2) The number of years that have elapsed since the date of the offense. [¶] (3) The nature and duties of a marriage and family therapist, educational psychologist, clinical social worker, or professional clinical counselor." (*Id.*, subd. (b).) "[A] substantially related crime, professional misconduct, or act shall include, but is not limited to, the following: [¶] (1) Any violation of Article 6, Chapter 1, Division 2 (commencing with section 650) of the Code. [¶] (2) Any violation of the provisions of Chapter 13 (commencing with section 4980), Chapter 13.5 (commencing with section 4989.10), Chapter 13.7 (commencing with section 4990), Chapter 14 (commencing with section 4991), or Chapter 16 (commencing with section 4999.10) of Division 2 of the Code." (*Id.*, subd. (c).) The provision that a substantially related crime or other misconduct "include[s], but is not limited to" what is listed means that additional crimes or conduct may also be substantially related to a licensee's or registrant's qualifications, functions, or duties. (See *Moustafa v. Board of Registered Nursing* (2018) 29 Cal.App.5th 1119, 1136 [provision in registered nursing statute that unprofessional conduct "is not limited to" the examples given means that "[a]dditional forms of conduct may be deemed unprofessional"].)

4. Respondent bears the burden of proving that he meets all prerequisites for the requested registration. (*Martin v. Alcoholic Beverage Control Appeals Board* (1959) 52 Cal.2d 259, 265-266.) This burden of proof requires proof by a preponderance of the evidence (Evid. Code, § 115), which means "evidence that has

more convincing force than that opposed to it.' [Citation.]" (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

Analysis

CAUSE FOR DENIAL

5. Complainant alleges the Board may deny respondent's application under sections 480 and 4992.3 because his criminal conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant.

6. The evidence establishes this cause for denial. Respondent was convicted of the second degree murder of A.T. while armed with a semi-automatic handgun. The crime involved extreme violence and callousness and indifference to the feelings and suffering of others. (*Williams v. Superior Court* (1983) 34 Cal.3d 584, 593 [murder is "one of the most serious offenses, even when special circumstances are not alleged."]; *In re Vasquez* (2009) 170 Cal.App.4th 370, 383–384 ["All second degree murders, by definition, involve callousness or an indifference to the feelings and suffering of others."] While almost 36 years have elapsed since the crime, it still evidences respondent's present or potential unfitness to be an associate clinical social worker to a substantial degree. Clinical social workers provide mental health services for the prevention, diagnosis, and treatment of mental, behavioral, and emotional disorders. An associate clinical social worker registrant can provide those services in a variety of settings, including in person-to-person settings involving vulnerable clients of all ages. Public protection and safety are undermined by the potential for violent interactions between a licensee or registrant and members the public during licensed activity. The crime for which respondent was convicted is therefore substantially related to the

qualifications, functions, and duties of a licensee or registrant. (Cal. Code Regs., tit. 16, § 1812, subd. (a).)

7. Furthermore, respondent's criminal conviction was for a serious felony as defined in section 1192.7 of the Penal Code. (Pen. Code, § 1192.7, subd. (c)(1).) Therefore, the Board may deny the license on account of the criminal conviction even though it is over seven years old. (§ 480, subd. (a)(1)(A).) Accordingly, the criminal conviction is cause for denial under sections 480 and 4992.3.

REHABILITATION

8. With cause for denial established, the Board must consider whether respondent made a showing of rehabilitation. "When considering the denial of a license under Section 480 of the Code on the ground that the applicant has been convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation if the applicant completed the criminal sentence at issue without a violation of parole or probation." (Cal. Code Regs., tit. 16, § 1813, subd. (b).) Respondent completed the criminal sentence at issue, and no evidence indicates he violated parole or was on probation. In such circumstances, the Board has identified specific criteria of rehabilitation to consider under California Code of Regulations, title 16, section 1813, subdivision (b)(1) through (5). The evidence about those criteria is as follows:

(A) The nature and gravity of the crime(s). Respondent committed second degree murder and was armed with a firearm in the commission of the murder. The crime involved extreme violence and callousness and indifference to the feelings and suffering of others, as described above.

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(B) The length(s) of the applicable parole or probation period(s). Respondent testified his parole lasted about five years, and complainant presented no evidence to the contrary.

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified. The parties presented no evidence that respondent's parole was shortened or lengthened.

(D) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation. The parties presented no evidence about the terms or conditions of respondent's parole.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification. The parties presented no evidence of any modifications to the terms or conditions of parole.

9. Considering the evidence, respondent did not make a showing of rehabilitation based on the criteria in California Code of Regulations, title 16, section 1813, subdivision (b). The nature and gravity of respondent's crime outweigh the other criteria listed in that subdivision. The Board must therefore apply the additional criteria of rehabilitation listed in California Code of Regulations, title 16, section 1813, subdivision (c). The evidence about those additional criteria is as follows:

(A) The nature and gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial. The nature and gravity of respondent's crime are analyzed above.

(B) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as

grounds for denial. There was no evidence presented of any acts, professional misconduct, or crimes committed after the crime under consideration as grounds for denial that also could be considered as grounds for denial.

(C) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision (A) or (B). Almost 36 years have elapsed since respondent committed the crime in September 1986.

(D) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant. Respondent was discharged from parole, and complainant presented no evidence proving he committed any parole violations. Respondent testified he has not completed the restitution obligation to the victim's family in the criminal case.

(E) The criteria in subdivision (b)(1) through (5), as applicable. These criteria are analyzed above.

(F) Evidence, if any, of rehabilitation submitted by the applicant. Respondent's educational accomplishments, successful internships, and positive recommendations are evidence of rehabilitation. Respondent's testimony also reflects a change in attitude from that which existed when he committed the crime.

10. Considering these criteria, respondent has made a showing of rehabilitation sufficient to grant respondent a probationary associate clinical social worker registration. While the gravity of respondent's crime cannot be overstated, the time elapsed since the crime and respondent's rehabilitation evidence weigh in favor of this result. Respondent was 17 years old when he committed the crime; he is now 53 years old. He served his criminal sentence and has sustained no other criminal convictions since his release from prison. The purpose of administrative license

proceedings is to protect the public, not to punish an individual. (*Arneson v. Fox* (1980) 28 Cal.3d 440, 451; *Camacho v. Youde* (1979) 95 Cal.App.3d 161, 165.) Respondent has a changed attitude from that which existed at the time of the crime, and no evidence indicates a likelihood he will revert to his prior attitude and behavior. Therefore, the public will be protected by an order granting respondent an associate clinical social worker registration under appropriate probationary terms.

11. The Board's disciplinary guidelines recommend a stayed revocation and a five-year probationary term as the minimum disciplinary action for a criminal conviction that is substantially related to the qualifications, functions, or duties of a licensee or registrant. (Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (Revised: December 2020), p. 18.) The recommended minimum probationary requirements include the Board's standard terms and conditions plus supervised practice, education, reimbursement of probation program costs, and a 60-day suspension and additional cost recovery for existing licensees or registrants. (*Ibid.*) For crimes against people, the recommended minimum requirements also include psychological/psychiatric evaluation, psychotherapy, restitution, and a rehabilitation program and restricted practice if warranted. (*Ibid.*)

12. Respondent requests that the Board deviate from the disciplinary guidelines and impose only a one-year term of probation. "Deviation from the Disciplinary Guidelines . . . is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation – for example: the presence of mitigating or aggravating factors; the age of the case; evidentiary problems." (Cal. Code Regs., tit. 16, § 1888, subd. (a).)

13. The facts of this case do not warrant a deviation. While the time elapsed since the crime favors a deviation, the nature and gravity of the crime do not.

Furthermore, respondent was imprisoned until July 2014 and on parole until July 2019, and his good behavior in prison and on parole is accorded little weight when assessing rehabilitation because a person under the direct supervision of correctional authorities is "required to behave in exemplary fashion." (*In re Gossage* (2000) 23 Cal.4th 1080, 1099.) The time elapsed since respondent's discharge from parole is relatively short for purposes of assessing his rehabilitation from such a serious and violent crime. In addition, respondent still has not paid the full amount of restitution ordered in the criminal case. These considerations weigh in favor of adhering to the disciplinary guidelines and imposing a five-year term of probation, with payment of respondent's remaining restitution obligation as a condition of probation.

ORDER

IT IS HEREBY ORDERED THAT respondent Shawn Christopher Boykin be issued a registration as an associate clinical social worker. Said registration shall be revoked. The revocation will be stayed and respondent placed on five years' probation with the following terms and conditions. Probation shall continue on the same terms and conditions if respondent is granted a subsequent registration, becomes licensed, or is granted another registration or license regulated by the Board during the probationary period.

1. Psychological/Psychiatric Evaluation

Within 90 days of the effective date of this Decision, and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall complete a psychological or psychiatric evaluation by such licensed psychologists or psychiatrists as are appointed by the Board. The cost of such evaluation shall be borne

by respondent. Failure to pay for the report in a timely fashion constitutes a violation of probation.

Such evaluator shall furnish a written report to the Board or its designee regarding respondent's judgment and ability to function independently and safely as a counselor and such other information as the Board may require. Respondent shall execute a Release of Information authorizing the evaluator to release all information to the Board. Respondent shall comply with the recommendations of the evaluator.

2. Psychotherapy

Respondent shall participate in ongoing psychotherapy with a California licensed mental health professional who has been approved by the Board. Within 15 days of the effective date of this Decision, respondent shall submit to the Board or its designee for its prior approval the name and qualifications of one or more therapists of respondent's choice. Such therapist shall possess a valid California license to practice and shall have had no prior business, professional, or personal relationship with respondent, and shall not be respondent's supervisor. Counseling shall be at least once a week unless otherwise determined by the Board. Respondent shall continue in such therapy at the Board's discretion. Cost of such therapy is to be borne by respondent.

Respondent may, after receiving the Board's written permission, receive therapy via videoconferencing if respondent's good faith attempts to secure face-to-face counseling are unsuccessful due to the unavailability of qualified mental health care professionals in the area. The Board may require that respondent provide written documentation of his good faith attempts to secure counseling via videoconferencing.

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Respondent shall provide the therapist with a copy of the Board's Decision no later than the first counseling session. Upon approval by the Board, respondent shall undergo and continue treatment until the Board or its designee determines that no further psychotherapy is necessary.

Respondent shall take all necessary steps to ensure that the treating psychotherapist submits quarterly written reports to the Board concerning respondent's fitness to practice, progress in treatment, and to provide such other information as may be required by the Board. Respondent shall execute a Release of Information authorizing the therapist to divulge information to the Board.

If the treating psychotherapist finds that respondent cannot practice safely or independently, the psychotherapist shall notify the Board within three (3) working days. Upon notification by the Board, respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee that respondent may do so. Respondent shall not thereafter engage in any practice for which a license issued by the Board is required until the Board or its designee has notified respondent that he may resume practice. Respondent shall document compliance with this condition in the manner required by the Board.

3. Supervised Practice

Within 30 days of the effective date of this Decision, respondent shall submit to the Board or its designee, for its prior approval, the name and qualifications of one or more proposed supervisors and a plan by each supervisor. The supervisor shall be a current California licensed practitioner in respondent's field of practice, who shall submit written reports to the Board or its designee on a quarterly basis verifying that supervision has taken place as required and including an evaluation of respondent's

performance. The supervisor shall be independent, with no prior business, professional, or personal relationship with respondent.

If respondent is unable to secure a supervisor in his field of practice due to the unavailability of mental health care professionals in the area, then the Board may consider the following options for satisfying this probationary term:

(1) Permitting the respondent to receive supervision via videoconferencing; or,

(2) Permitting respondent to secure a supervisor not in the respondent's field of practice.

The foregoing options shall be considered and exhausted by the Board in the order listed above. The Board may require that respondent provide written documentation of his good faith attempts to secure face-to-face supervision, supervision via videoconferencing, or to locate a mental health professional that is licensed in the respondent's field of practice.

Respondent shall complete any required consent forms and sign an agreement with the supervisor and the Board regarding respondent and the supervisor's requirements and reporting responsibilities. Failure to file the required reports in a timely fashion shall be a violation of probation. Respondent shall give the supervisor access to respondent's fiscal and client records. Supervision obtained from a probation supervisor shall not be used as experience gained toward licensure.

If the supervisor is no longer available, respondent shall notify the Board within 15 days and shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by respondent. Supervision shall consist of

at least one (1) hour per week in individual face to face meetings. The supervisor shall not be respondent's therapist.

Respondent shall not practice until he has received notification that the Board has approved respondent's supervisor.

4. Law and Ethics Course

Respondent shall take and successfully complete the equivalency of two semester units in law and ethics. Course work shall be taken at the graduate level at an accredited or approved educational institution that offers a qualifying degree for licensure as a marriage and family therapist, clinical social worker, educational psychologist, professional clinical counselor as defined in sections 4980.40, 4996.18, 4999.32 or 4999.33 of the Business and Professions Codes and section 1854 of title 16 of the California Code of Regulations, or through a course approved by the Board. Classroom attendance must be specifically required. Within 90 days of the effective date of this Decision, respondent shall submit a plan for prior Board approval for meeting this educational requirement. Said course must be taken and completed within one year from the effective date of this Decision. The costs associated with the law and ethics course shall be paid by the respondent. Units obtained for an approved course in law and ethics shall not be used for continuing education.

5. Restitution

Within 90 days of the effective date of this Decision, respondent shall provide proof to the Board or its designee of payment of the amount of restitution that remains unpaid from respondent's criminal sentence in *People v. Andre West and Shawn Christopher Boykin*, Superior Court of California, County of Los Angeles, Case No. A792791.

6. Obey All Laws

Respondent shall obey all federal, state, and local laws, all statutes and regulations governing the licensee, and remain in full compliance with any court ordered criminal probation, payments, and other orders. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board or its designee in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, respondent shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation within 30 days of the effective date of the Decision, unless previously submitted as part of the licensure application process. Respondent shall pay the cost associated with the fingerprint process.

7. File Quarterly Reports

Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury whether he/she has been in compliance with all the conditions of probation. Notwithstanding any provision for tolling of requirements of probation, during the cessation of practice respondent shall continue to submit quarterly reports under penalty of perjury.

8. Comply with Probation Program

Respondent shall comply with the probation program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the program.

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9. Interviews with the Board

Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

10. Failure to Practice

In the event respondent stops practicing in California, respondent shall notify the Board or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Non-practice is defined as any period of time exceeding thirty calendar days in which respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this condition, will not apply to the reduction of the probationary term and will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; File Quarterly Reports; Comply with Probation Program; Maintain Valid Registration; and Cost Recovery. Respondent's registration shall be automatically cancelled if respondent's period of non-practice total two years.

11. Change of Place of Employment or Place of Residence

Respondent shall notify the Board or its designee in writing within 30 days of any change of place of employment or place of residence. The written notice shall include the address, the telephone number, and the date of the change.

12. Supervision of Unlicensed Persons

While on probation, respondent shall not act as a supervisor for any hours of supervised practice required for any license issued by the Board. Respondent shall

terminate any such supervisory relationship in existence on the effective date of this Decision.

13. Notification to Clients

Respondent shall notify all clients when any term or condition of probation will affect their therapy or the confidentiality of their records, including but not limited to supervised practice, suspension, or client population restriction. Such notification shall be signed by each client prior to continuing or commencing treatment. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this term of probation.

14. Notification to Employer

Respondent shall provide each of his current or future employers, when performing services that fall within the scope of practice of his registration, a copy of this Decision and the Statement of Issues before commencing employment. Notification to the respondent's current employer shall occur no later than the effective date of the Decision or immediately upon commencing employment. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this term of probation.

Respondent shall provide to the Board the names, physical addresses, and telephone numbers of all employers, supervisors, and contractors.

Respondent shall complete the required consent forms and sign an agreement with the employer and supervisor, or contractor, and the Board to allow the Board to communicate with the employer and supervisor or contractor regarding the licensee or registrant's work status, performance, and monitoring.

15. Violation of Probation

If respondent violates the conditions of his probation, the Board, after giving respondent notice and the opportunity to be heard, may set aside the stay order and impose the discipline (revocation) of respondent's registration provided in the Decision.

If during the period of probation, an accusation, petition to revoke probation, or statement of issues has been filed against respondent's registration or application for licensure, or the Attorney General's Office has been requested to prepare such an accusation, petition to revoke probation, or statement of issues, the probation period set forth in this Decision shall be automatically extended and shall not expire until the accusation, petition to revoke probation, or statement of issues has been acted upon by the Board. Upon successful completion of probation, respondent's registration shall be fully restored.

16. Maintain Valid Registration

Respondent shall, at all times while on probation, maintain a current and active registration with the Board, including any period during which suspension or probation is tolled. Should respondent's registration, by operation of law or otherwise, expire, upon renewal respondent's registration shall be subject to any and all terms of this probation not previously satisfied.

17. License Surrender

Following the effective date of this Decision, if respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily request the surrender of his registration to the Board. The Board reserves the right to evaluate respondent's

request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within 30 calendar days deliver respondent's registration and certificate and if applicable wall certificate to the Board or its designee, and respondent shall no longer engage in any practice for which a registration is required. Upon formal acceptance of the tendered registration, respondent will no longer be subject to the terms and conditions of probation.

Voluntary surrender of respondent's registration shall be considered to be a disciplinary action and shall become a part of respondent's license history with the Board. Respondent may not petition the Board for reinstatement of the surrendered registration. Should respondent at any time after voluntary surrender ever reapply to the Board for licensure, respondent must meet all current requirements for licensure including, but not limited to, filing a current application, meeting all current educational and experience requirements, and taking and passing any and all examinations required of new applicants.

18. Instruction of Coursework Qualifying for Continuing Education

Respondent shall not be an instructor of any coursework for continuing education credit required by any license issued by the Board.

19. Notification to Referral Services

Respondent shall immediately send a copy of this Decision to all referral services registered with the Board in which respondent is a participant. While on probation, respondent shall send a copy of this Decision to all referral services registered with the Board that respondent seeks to join.

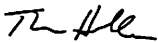
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20. Reimbursement of Probation Program

Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period.

Reimbursement costs shall be \$1,200 per year.

DATE: 07/25/2022


Thomas Heller (Jul 25, 2022 15:25 PDT)

THOMAS HELLER

Administrative Law Judge

Office of Administrative Hearings

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9 **BEFORE THE**
BOARD OF BEHAVIORAL SCIENCES
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues
Against:

Case No. 2002022000720

13 **SHAWN CHRISTOPHER BOYKIN**

STATEMENT OF ISSUES

14 **Associate Clinical Social Worker**
15 **Registration Applicant**

16 Respondent.

17
18 **PARTIES**

19 1. Steve Sodergren (Complainant) brings this Statement of Issues solely in his official
20 capacity as the Executive Officer of the Board of Behavioral Sciences (Board), Department of
21 Consumer Affairs.

22 2. On or about July 19, 2021, the Board received an application for an Associate
23 Clinical Social Worker Registration from Shawn Christopher Boykin (Respondent). On or about
24 June 15, 2021, Shawn Christopher Boykin certified under penalty of perjury to the truthfulness of
25 all statements, answers, and representations in the application. The Board denied the application
26 on January 4, 2022.

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1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board under the authority of the
3 following laws. All section references are to the Business and Professions Code (Code) unless
4 otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 480 of the Code states, in pertinent part:

7 (a) Notwithstanding any other provision of this code, a board may deny a
8 license regulated by this code on the grounds that the applicant has been convicted of
9 a crime or has been subject to formal discipline only if either of the following
10 conditions are met:

11 (1) The applicant has been convicted of a crime within the preceding seven
12 years from the date of application that is substantially related to the qualifications,
13 functions, or duties of the business or profession for which the application is made,
14 regardless of whether the applicant was incarcerated for that crime, or the applicant
15 has been convicted of a crime that is substantially related to the qualifications,
16 functions, or duties of the business or profession for which the application is made
17 and for which the applicant is presently incarcerated or for which the applicant was
18 released from incarceration within the preceding seven years from the date of
19 application. However, the preceding seven-year limitation shall not apply in either of
20 the following situations:

21 (A) The applicant was convicted of a serious felony, as defined in Section
22 1192.7 of the Penal Code or a crime for which registration is required pursuant to
23 paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

24 ...

25 5. Section 4992.3 of the Code states, in pertinent part:

26 The board may deny a license or a registration, or may suspend or revoke the
27 license or registration of a licensee or registrant if the licensee or registrant has been
28 guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited
to, the following:

The conviction of a crime substantially related to the qualifications, functions,
or duties of a licensee or registrant under this chapter. The record of conviction shall
be conclusive evidence only of the fact that the conviction occurred. The board may
inquire into the circumstances surrounding the commission of the crime in order to
fix the degree of discipline or to determine if the conviction is substantially related to
the qualifications, functions, or duties of a licensee or registrant under this chapter. A
conviction has the same meaning as defined in Section 7.5. The board may order any
license or registration suspended or revoked, or may decline to issue a license or
registration when the time for appeal has elapsed, or the judgment of conviction has
been affirmed on appeal, or, when an order granting probation is made suspending the
imposition of sentence. All actions pursuant to this subdivision shall be taken
pursuant to Division 1.5 (commencing with Section 475).

...

1 **REGULATORY PROVISIONS**

2 6. California Code of Regulations, title 16, section 1812(a) states:

3 For purposes of denial, suspension, or revocation of a license pursuant to
4 Section 141, Division 1.5 (commencing with Section 475), or Section 4982, Section
5 4989.54, Section 4992.3, or Section 4999.90 of the Code, a crime, professional
6 misconduct, or act shall be considered to be substantially related to the qualifications,
7 functions or duties of a person holding a license under Chapters 13, 13.5, 14, and 16
8 of Division 2 of the Code if to a substantial degree it evidences present or potential
9 unfitness of a person holding a license to perform the functions authorized by the
10 license in a manner consistent with the public health, safety or welfare. For purposes
11 of this section, "license" shall mean license or registration.

12 **CAUSE FOR DENIAL OF APPLICATION**

13 **(February 26, 1988 Criminal Conviction - Second Degree Murder on September 12, 1986)**

14 7. Respondent's application is subject to denial under Code sections 480(a)(1)(A) and
15 4992.3(a), in conjunction with California Code of Regulations, title 16, section 1812(a), in that on
16 or about February 26, 1988, in a criminal proceeding entitled *The People of the State of*
17 *California v. Shawn Christopher Boykin*, in Superior Court of California, County of Los Angeles,
18 Case Number A792791, Respondent was convicted of violating Penal Code section 187(a)
19 (second degree murder), a serious felony. Respondent also admitted as true, a special allegation
20 for violating Penal Code section 12022(a) (armed with a firearm). Respondent was sentenced to
21 serve 16 years to life in state prison and ordered to pay a restitution fine of \$10,000 to the
22 victim's family.

23 The circumstances surrounding the conviction are that on or about September 12, 1986, a
24 Los Angeles Police Department officer responded to a murder at Fairfax High School in Los
25 Angeles, CA. Respondent and a co-defendant A.W. were gang members who got into an
26 argument over the use of a pay telephone with A.T., an 18-year old victim. The victim was not a
27 gang member and had overcome dyslexia and was college-bound. He was visiting the high
28 school campus to get college advice from a former high school teacher who had helped him with
his learning disorder. Respondent and his co-defendant chased down the victim and began
fighting. The Respondent was carrying a chrome semi-automatic handgun which he provided to
the co-defendant. The Respondent yelled, "Gat him, cuz" and then the co-defendant fired three
shots at the victim. One bullet entered the victim's back and pierced his heart.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Behavioral Sciences issue a decision:

1. Denying the application of Shawn Christopher Boykin for an Associate Clinical Social Worker Registration; and
2. Taking such other and further action as deemed necessary and proper.

DATED: March 9, 2022

Steve Sodergren

STEVE SODERGREN
Executive Officer
Board of Behavioral Sciences
Department of Consumer Affairs
State of California
Complainant

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